

LOCAL GOVERNMENT (IRELAND) ACT, 1898.

RULES.

COPY OF ORDER IN COUNCIL, DATED 16TH AUGUST, 1898,
MAKING RULES UNDER THE ACT.

PRESENTED IN PURSUANCE OF ACT
(31 & 32 Vict., Cap. 57, Sec. 107).

(*Mr. GERALD BALFOUR,*)

Ordered, by THE HOUSE OF COMMONS, to be printed
9 February, 1899.

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1899.

LOCAL GOVERNMENT (IRELAND)
ACT (TRANSITORY PROVISIONS) No. 1 ORDER IN COUNCIL.

By the Lord Lieutenant and Privy Council in
Ireland.

CABDOAGH.

WHEREAS it is enacted by section 106 of the Local Government (Ireland) Act, 1898, that the Lord Lieutenant by Order in Council may (among other matters) make such transitory provisions as appear to him necessary or expedient for bringing the said Act into operation, and in particular for regulating the various matters therein mentioned.

And whereas it appears to Us necessary or expedient for certain of those purposes that the provisions herein-after contained should have full effect:

And whereas by the Rules Publication Act, 1893, section 3, it is provided that where a rule-making authority certifies that on account of urgency or any special reason any rule should come into immediate operation, it should be lawful for such authority to make any such rules to come into operation forthwith as provisional rules, but such provisional rules should only continue in force until rules should have been made in accordance with the foregoing provisions of the said Rules Publication Act:

Now, therefore, We, the Lord Lieutenant-General and General Governor of Ireland, by virtue of the powers vested in Us for that purpose as aforesaid, and of all other powers enabling Us in that behalf, do order and it is hereby ordered as follows:—

Short Title.

1. This Order may be cited as the Local Government (Transitory Provisions) No. 1 Order, 1898.

Definitions.

2.—(1.) In this Order, unless the context otherwise requires,—

- (a.) the expression "the Act" shall mean the Local Government (Ireland) Act, 1898; and
- (b.) other expressions shall have the same meaning as in the Act.

52 and 53 Vict., c. 63.

(2.) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Continuance in Office of existing Councillors, Commissioners, &c.

3.—(1.) The term of office of any members of the council of a borough or commissioners of a town or township who are in office at the date of this Order shall continue notwithstanding any want of qualification, until the day next following

the day of the first election under the Act of members of the council or commissioners of that borough or town, and until that election no election shall be held.

(2.) The term of office of the mayor of a borough or chairman of the commissioners of a town who is in office at the date of this Order shall continue notwithstanding any want of qualification until a mayor or chairman has been chosen by the council or commissioners elected at the first election under the Act for that borough or town and has made a declaration accepting office.

(3.) The term of office of the municipal commissioners of Carrickfergus who are in office at the date of this order shall continue, notwithstanding any want of qualification, until the day next following the day of the first election under the Act of a council—

(a.) so far as the commissioners are an urban sanitary authority, then for the urban district of Carrickfergus; and

(b.) so far as these commissioners are a rural sanitary authority, then for the rural district comprising the portion of Carrickfergus, which is a rural sanitary district;

and until the said elections no election shall be held.

(4.) The term of office of the chairman of the municipal commissioners of Carrickfergus shall continue, notwithstanding any want of qualification, until the day above-mentioned for the continuance in office of the municipal commissioners.

(5.) The term of office of any sheriff for a county of a city or county of a town who is in office at the date of this Order shall continue until the twenty-third day of February next after the first election of councillors under the Act, and except for the purpose of filling a casual vacancy in the office of sheriff, no further selection of sheriff shall be made by such council until after the first election under the Act, but this sub-section shall not apply to the counties of the towns of Galway or Carrickfergus.

Arrangements as to Guardians and District Councils up to 30th September, 1899.

4.—(1.) Every board of guardians, as regards the first poor rate made after the date of this Order, shall make the same only for the service of the period ending on the last day of March one thousand eight hundred and ninety-nine; but otherwise every board of guardians shall make, levy, collect, and recover the poor rate in like manner as if the Act had not passed.

(2.) As respects a union part of which is within and part without the city of Dublin, the foregoing provision shall apply as respects that portion of the union which is without the city; but as respects that portion of the union which is within the city, the board of guardians shall estimate the amount required by them, according to the law existing at the passing of the Act, for the service of the period ending on the last day of March one thousand eight hundred and ninety-nine, and estimate the amount required by them

according to the law as altered by the Act for the service of the period between the said last day of March and the first day of October following, and shall send the estimate of those amounts to the Collector-General of Rates under the Dublin Collection of Rates Act, 1849, and that Collector-General shall make, levy, collect, and recover the rate for the total of the two amounts in like manner as if the Act had not passed.

Arrangement as to Police and Bridge Rate up to 30th September, 1892.

5. The Commissioner of Police of Dublin Metropolis and the Dublin Port and Docks Board respectively shall estimate the amount required by him or them according to the law existing at the passing of the Act for the service of the period ending on the last day of September one thousand eight hundred and ninety-nine, and shall send those estimates to the said Collector-General of Rates, and that Collector-General shall make, levy, collect, and recover the rate for the amounts in the said estimates in like manner as if the Act had not passed.

Action of Presentment Sessions.

6.—(1.) It shall be the duty of every Presentment Sessions to provide for liquidating so far as practicable, before the appointed day, all current debts and liabilities incurred in respect of their barony or county.

(2.) The Presentment Sessions held next after the making of this Order shall proceed in like manner as if the Act had not passed, subject as follows:—

(a.) They shall not take into account possible receipts from the Agricultural Grant;

(b.) They shall not make a presentment for any new work unless it was certified by the Foreman of the Grand Jury at the

previous assizes, but they shall make such presentments in respect of works to be executed and matters to be done subsequent to the Spring Assizes next after the making of this Order, as will meet everything required to be done up to the last day of September next following, and as appear necessary to comply with the provisions of this Order with respect to the liquidation of current debts and liabilities:

(c.) They may arrange for the continuance up to the said last day of September of contracts expiring before that day, and for any other matter required for the maintenance of works up to that day; and

(d.) They may make presentments provisional upon a certificate by the County Surveyor before the Assizes, and if such certificate is given, such provisional presentment shall have the effect of a presentment.

(e.) In the construction of this Article with respect to the county of Dublin, there shall be substituted "Presenting Term" for "Assizes," and "Easter Presenting Term" for "Spring Assizes," and we do hereby certify that on account of urgency the rules set out in this Order shall, on the date hereof, come into immediate operation, and to make the said rules to come into operation on the said date as provisional rules, and to continue in force until rules shall have been made in accordance with the provisions in that behalf in the said "Rules Publication Act."

Given at the Council Chamber, Dublin Castle, the 16th day of August, 1892.

Ashbourne C. Powerscourt.
Hedges Eyre Chatterton. Joseph M. Meade.
Rd. Martin.